

IV. Remarks

A. Summary of Office Action

The Action rejects all pending claims 1-27. Claims 1-21, 23, 26 and 27 are rejected under 35 USC §101. Claims 1-27 are rejected as being anticipated by various references cited by the Examiner. Specifically, the Examiner cited eight different patent references as anticipating different sub groups of claims but provided no citation to any specific portion of any one of the references as support for the rejections. The Applicant's attorney has endeavored to do his best to address these rejections with the goal of providing a meaningful response for the Examiner's review, but was somewhat disadvantaged by the lack of analysis in the rejection. Therefore, if for any reason the Examiner does not consider this response to place the application in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone interview before any subsequent official action is issued.

The Action also includes an information request under Rule 1.105. Applicant has endeavored to respond to this request as set forth in Section IV.B of this Response.

B. Requirement for Information under Rule 1.105

The Examiner has requested information "used in drafting the present operation including information related to the field of endeavor or business practice used by the applicants' professional business ventures, to show the information used in the invention process, and identification of any use of the claimed invention known to the inventor at the time the application was filed notwithstanding the date of the use." The Examiner then notes that Applicant's information disclosure statement was of "limited use." Applicant regrets that the Examiner found that the disclosure statement was of limited use, but the Applicant respectfully

notes that the Examiner used a reference cited by Applicant (von Kohorn) in rejecting eleven (Claims 1-11) of the twenty-seven pending claims as being anticipated.

Specifically with respect to the Examiner's request for information, prior to filing the application, Applicant engaged a professional searcher to conduct a novelty search. The results of that search were inadvertently not cited in the Applicant's original two information disclosure statements. The references identified to the Applicant in the search are included in a second supplemental information disclosure statement filed herewith.

In response to the Examiner's specific Rule 105 requests, to the best of the undersigned's knowledge, the Applicant had no professional business ventures or commercialization of the invention at the time of filing the application. Therefore, no such information was used in the invention process. The results of the Applicant's own independent searches for prior art on the Internet and in the USPTO database were submitted in the supplemental information disclosure statement initialized by the Examiner and returned with the Action. The Applicant has also submitted the International Search Report in an information disclosure statement, which was also considered by the Examiner.

Applicant submits that this communication is responsive to the Examiner's request for information.

C. Summary of Claim Amendments

Claim 1 has been amended to recite that the method is "computer implemented" and to indent each recited step, making the claim easier to read. Claim 1 has also been amended to clarify that the accumulation session is associated with the established connection between the client and the network resource. In addition, Claim 1 has been amended to affirmatively recite the step of awarding the credits, which are calculated according to the recited calculating step.

Claim 9 has been amended to correct a typographical error in verb form.

Claim 12 has been amended in a manner similar to Claim 1.

Claim 20 was amended to correct an obvious typographical error.

Like Claims 1 and 12, Claim 22 has been amended to clarify that the accumulation session is associated with the established connection between the client and the network resource.

Claim 23 has been amended to recite that the method is computer implemented and to clarify that the prompt providing step occurs during providing of the content from the resource to the client over the network. Like Claims 1 and 12, Claim 23 has been amended to affirmatively recite that credits are awarded.

Claim 24 has also been amended to recite that the method is computer implemented and to clarify that the content is provided to the client through the network. Like Claims 1, 12 and 23, Claim 24 affirmatively recites the awarding step.

Claims 25-27 have been amended to clarify that the accumulation session is associated with the established connection to the participant resource.

D. Summary of Amendments to the Specification

Paragraph [0003] is amended as set forth above to correct an apparent error in a sentence therein.

E. Claim Rejection Under §101

The Action rejects Claims 1-21, 23, 26 and 27, consisting of all of the method claim except Claim 24 and all of the storage medium claims, as not reciting a useful, concrete and tangible result such that the claimed invention is within the technological arts.

With respect to Claim 1, Applicant submits that amended independent Claim 1 produces a useful, concrete and tangible result – the awarding of credits – and is clearly within the technological arts, e.g., the method is a computer implemented method, identification information is received from a client and a connection is established between a client and a network resource through a network, and the accumulation session is associated with the established network connection.

With respect to Claim 12, Applicant submits that amended independent Claim 12 produces a useful, concrete and tangible result – the awarding of earned credits – and is clearly within the technological arts, e.g., the method is a computer implemented method, a connection is established with a participant resource through a network, and the accumulation session is associated with the established network connection.

With respect to Claim 23, Applicant submits that amended independent Claim 23 produces a useful, concrete and tangible result – the awarding of credits – and is clearly within the technological arts, e.g., the method is a computer implemented method, a prompt is provided during the provision of content from the resource to the client over a network, and a response from the individual is received through the network.

With respect to Claim 26, Applicant submits that amended independent Claim 26 produces a useful, concrete and tangible result – calculated credits awarded specific to the accumulation session – and is clearly within the technological arts, e.g., the medium includes code that when executed causes a processor to perform several recited steps, including the receipt of information, a correlation step, a commencement of an accumulation session

associated with an established network connection between a client and a network resource, a time monitoring function and a calculation function.

With respect to Claim 27, Applicant submits that amended independent Claim 27 produces a useful, concrete and tangible result – calculated credits earned by the individual as a result of the accumulation session and debiting the amount of credit based on redemption information – and is clearly within the technological arts, e.g., the medium includes code that when executed causes a processor to perform several recited steps, including the enrolling of an individual, commencement of an accumulation session associated with an established network connection between a client and a participant resource, receiving of recorded information and updating stored information, and the aforementioned calculating and debiting.

In view of the foregoing arguments and amendments, Applicant respectfully submits that Claims 1-21, 23, 26 and 27 are all directed to statutory subject matter in compliance with 35 USC §101. Reconsideration and withdrawal of this rejection are respectfully requested.

F. Rejection under 35 USC § 102

The Action rejects Claims 1-27 as being anticipated in eight separate rejections, each of which is addressed hereafter. Reconsideration and withdrawal of these rejections are respectfully requested in view of the foregoing amendments and the following arguments.

1. Claims 1-11

The Action rejects Claims 1-11 as being anticipated by Von Kohorn (U.S. Patent No. 5,057,915). Claim 1 is directed to a computer implemented method for rewarding connection time between a client and a network resource. An accumulation session is commenced and is associated with a connection established between the client (e.g., a home computer) and a network resource (e.g., a server providing content). The time of the accumulation session is

monitored and an award of credits is calculated specific to the accumulation session, based at least in part on increasing amounts of credits based upon increasing the duration of the accumulation session. Credits are then awarded.

Von Kohorn describes a system shown generally in FIG. 1 where a broadcast show is sent from a studio 12 to a remote receiving station 16, 18 including a television and a receiving unit. A first signal comprising a program signal (e.g., a game show) is sent to the receiving station, along with a second signal, which is an instructional signal setting forth, for example, the amount of time allotted for response to a question, the proper form for answers and instructions for scoring responses. (Column 2, Lines 43-65). When a question is posed to the user using the receiving station, a timer is started and the user answers the question. The receiving unit calculates the amount of credit provided to the user based on whether the user has correctly answered the question and whether the user answered the question within the time allotted. (Column 38, Lines 45-61). Zero points are allotted for incorrect answers or answers provided outside of the time period. The speed of a correct answer within the allotted time period is factored into the credit provided, i.e., a quicker correct answer receives more credit than a slower correct answer. Id. Prizes are provided by the receiving unit in the form of coupons entitling the user to discounts on merchandise. (Column 6, Lines 27-29).

Assuming only for purposes of argument's sake that Von Kohorn somehow teaches a client connected to a network resource via a network and that the system of Von Kohorn somehow commences an accumulation session, the system of Von Kohorn clearly does not calculate credits specific to an accumulation session based at least in part on increasing amounts of credits based upon increasing the duration of the accumulation session. If anything, the system of Von Kohorn provides more rewards for shorter durations of interaction with the user, i.e., the quicker the question is answered, the higher the provided reward is. In contrast, Applicant's claimed method is directed to a method of rewarding actual connection time between the client and the network resource, so that, in one example, the connection time can be used as

an indicator of the level of attention the user paid to content provided by the network resource. Greater attention, as indicated by an increased duration, is rewarded more than shorter durations.

Therefore, it is clear that Von Kohorn does not teach or suggest each recited feature of Claim 1. Indeed, Von Kohorn teaches away from any suggestion for rewarding increased credit in any form based on increasing time duration. It is submitted that Claim 1, and Claims 2-11, which depend from Claim 1, are allowable over the art of record.

Still further, although Claims 2-11 depend from Claim 1 and are, therefore, allowable, Applicant would like to briefly note again that no specific support for the anticipation rejection was provided in the Action. Applicant submits that, just by way of example, Von Kohorn, when carefully considered, is conspicuously lacking in support for the rejections. Taking for example Claim 8, a computer textual search of Von Kohorn reveals that “traffic light”, “red”, “yellow” and “green” are not used anywhere in the disclosure of Von Kohorn. The Examiner is respectfully requested to provide specific support for any features that are asserted to be taught by Von Kohorn or any other reference used in the rejection in any subsequent Action.

2. Claims 12-21

The Action rejects Claims 12-21 as being anticipated by Kalina (U.S. Patent No. 5,243,688). Claim 12 is directed to a computer implemented method of providing a rewards program based upon the connection time between a client and a network resource. The method requires that a connection be established between a client and a participant resource through a network. An accumulation session is commenced where the accumulation session is associated with the established connection. Information is recorded at a participant's location during the session, including at least the duration of the accumulated session, and forwarded to a program administrator, where stored individual information is updated based on the recorded information. A total amount of credit is calculated as earned as a result of the accumulation session based on

the stored individual information and a formula selected by the participant. Credit is awarded and earned credits can be redeemed for items of value. As analyzed hereafter, it is clear that Kalina does not teach or suggest, inter alia, a client-participant resource connection, the information recordal and credit calculation as recited in Claim 1.

Kalina describes a system wherein a customer registers for and receives a credit card that, when used, earns credits for the customer that can be converted into an investment, such as a mutual fund, stock or money market investment. (Column 5, Lines 7-11, 51-65). When the user makes a purchase with the card, the merchant sends the purchase information to a central system that credits the account of the card holder with credits based upon the amount of the purchases. (Column 6, Lines 15-19) Accumulated credits can be converted into a previously selected investment vehicle. (Column 6, Lines 19-23). Essentially, the Kalina system works like the DISCOVER card, where instead of paying cash back, investments are purchased.

From the foregoing, it should be clear that Kalina does not teach a method of providing rewards based upon the connection time between a client and a network source. As described above, Kalina provides rewards based on the amount of money spent with a credit card. The Kalina customer transaction is a standards credit card transaction (except for the investment account aspect). It follows that there is no connection between the individual at a client and a network resource through a network, for which an accumulation session is commenced. There is no recordation during an accumulation session "including at least duration of the accumulation session." A credit card transaction of Kalina, notwithstanding not being a connection between an individual at a client and a network resource, is not a timed event. Even if the credit card transaction of Kalina is somehow timed (such as for error/transmission failure purposes), this information is certainly not transmitted to a program administrator for use in calculating credit that is awarded for later redemption. The only credit awarded by the system of Kalina is for the amount of money spent, which is completely unrelated to awarding credit for the time a user at a client spends connected to a network resource, as claimed in Claim 12.

The differences between the system of Kalina and Applicant's claimed method are even more apparent when claims that depend from amended independent Claim 12 are considered. For example, Claim 14 recites that the item provided in redemption is presented in the form of a certificate demonstrating credit for meeting applicable time based attendance requirements. Applicant respectfully submits that a credit card reward system as taught by Kalina is not even remotely concerned with the issuance of certificates indicative of time based attendance requirements.

For at least these reasons, amended independent Claim 12 is not anticipated by the cited reference and is allowable. Claims 13-21 depend from Claim 12 and are also allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

3. Claim 22

The Action rejects Claim 22 as being anticipated by Herz et al. (WO 97/16796). Claim 22 is directed to a system for rewarding connection time between a client and a network resource. The elements of Claim 22 closely parallel the method steps recited in Claim 1. Curiously, Claim 22 is rejected as being anticipated by Herz et al, not Von Kohorn, which was used by the Examiner in rejecting Claim 1.

The entire disclosure of Herz et al. is essentially directed to a search system and methodology and a methodology for organizing information for searching. (pp. 7-8). Examples of "target objects" that may be the subject of a search in the system of Herz et al. are news, electronic mail, other published documents and product descriptions. (Page 8, first full paragraph).

It should be readily apparent from this description of Herz et al. and a careful review of the reference that Herz et al. does not teach at least the following features of Claim 22: (i) means for monitoring the time of the accumulation session; and (ii) means for calculating credits

awarded specific to the accumulation session, based at least in part on increasing amounts of credits awarded based on increasing the length of time of the accumulation session. Simply, a search system does not award credits (i.e., it provides search results) and clearly does not award credits based on a duration time of an accumulation session. Therefore, Claim 22 is not anticipated by the cited reference and is allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

4. Claim 23

The Action rejects Claim 23 as being anticipated by Scroogie et al. (U.S. Patent No. 5,970,469). Claim 23 is directed to a computer implemented method for rewarding attention by an individual on a client device to content at a resource where the resource and client device are connected over a network. During providing of content from the resource to the client over the network, a prompt is provided that requires a response from the individual through the network. A response is received from the individual through the network. The time is recorded that elapsed from the prompt to the response. An award of credits to the individual is calculated based at least in part on the recorded time that elapsed, a greater period of time elapsed resulting in a lower award of credits. Credits are awarded. Such a system is clearly not disclosed or suggested by Scroogie et al.

Scroogie et al. implements a coupon distribution system via the World Wide Web. (Column 4, Lines 9-11). In one embodiment, the customer enters a shopping list at a website. (Column 7, Lines 43-46). The website compiles the shopping list for the user and identifies any coupon offers it has that match items in the shopping list. The user can also select amongst other offers that are provided at the website. (Column 7, Lines 54-55). In the supermarket embodiment, the user selects from a list of local supermarkets. (Column 9, Lines 55-59). The coupons are then issued to the user specific to the user's name and the selected supermarket.

(Column 10, Lines 39-43). The coupons(s) is then sent to the user's computer. (Column 11, Lines 37-40).

From the foregoing, it should be apparent that Scroogie et al. does not teach a computer implemented method for rewarding attention by an individual on a client device to content at a resource. A method of issuing targeted coupons to a user, as described above for Scroogie et al., does not, during providing of content from the resource to the client over the network, provide a prompt that requires a response from the individual through the network where the response is received from the individual through the network and a time is recorded that elapsed from the prompt to the response, wherein further an award of credits to the individual is calculated based at least in part on the recorded time that elapsed, a greater period of time elapsed resulting in a lower award of credits. Simply, browsing for coupon offers as taught by Scroogie et al. provides no time dependency on the level of award that is provided to the user. In the method of Scroogie et al., the user simply selects a coupon and is then provided the coupon. The same coupon is provided to the user regardless of the amount of time the user takes to select the coupon.

For at least these reasons, the method of amended Claim 23 is not taught or suggested by Scroogie et al. It is submitted that Claim 23 is allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

5. Claim 24

The Action rejects Claim 24 as being anticipated by Williams et al. (WO 00/33222). Claim 24 is directed to a computer implemented method of rewarding quality attention provided by an individual to content available at a network resource and provided to a client device connected to the network resource over a network. An award is calculated at least in part on a quality measure of individual attention, the quality measure being unique to the individual, and being based in part on the time elapsed between one or more prompts provided to the individual

while a connection is established between the client device and the network resource for receiving the content, where a response is received from the individual by the network resource and a greater time elapsed results in a lower award, which is awarded.

Williams et al. describes an electronic incentive system that issues incentives (i.e. coupons) based on the brand preferences of the user as determined by tracking the websites visited by the user, such as by using URL information as indicative of the user's brand preference (Pages 11, 16-18). The Williams et al. method essentially allows the coupons to be better targeted to the interests of specific users. The system does not teach a method of rewarding quality attention by an individual to content as claimed in Claim 24. No award is calculated based at least in part on a quality measure of individual attention based in part on the time elapsed between one or more prompts provided to the individual while the connection is established. Further, no lower award is awarded based on a greater time elapsed as claimed in Claim 24. Simply, the Williams et al. system of providing targeted coupons based on brand preferences does not teach or suggest any of the steps of Applicant's method that rewards quality attention to content provided to an individual at a client connected to a network resource through a network.

Therefore, it is submitted that Claim 24 is not anticipated by the cited reference and is allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

6. Claim 25

Claim 25 is directed to a system for providing a rewards program based upon the connection time between a client and a network. Curiously, although the system features closely parallel the method steps of Claim 12 analyzed above, the Action rejects Claim 25 as being anticipated by Walker et al. (U.S. Patent No. 6,018,718) rather than Kalina. Regardless, as analyzed hereafter, Claim 25 is clearly not anticipated by Walker et al.

Walker et al. teaches a credit card system where rewards provided to credit card holders are rewarded on a tiered approach based on the quarterly, for example, usage of the credit card by the user. The rewards are described as, for example, cash rebates, frequent flyer miles, magazine subscriptions, free gifts, and discount coupons. (Column 6, Lines 42-47). The user can select the preferred reward from a menu. (Column 9, Lines 29-31) If the card holder fails to reach a first performance target (i.e., spending of a set amount of money for a period of time), no reward is provided. (Column 10, Lines 7-9). If the cardholder meets certain performance levels, the rewards are weighted based on the performance of the cardholder with respect to the performance level.

It should be apparent from the description of Walker et al. provided above and a careful review of Walker et al. that Walker et al. teaches at least none of the following elements recited in Claim 25: (i) means for commencing an accumulation session following identification of the individual, said accumulation session being associated with said established connection to said participant source; (ii) means for recording information, including at least the duration of the accumulation session, at a participant's location where the accumulation session takes place; (iii) means for forwarding recorded information to a program administrator; (iv) means for updating the stored individual information at the administrator location based on the recorded information; (v) and means for calculating the credits earned as a result of the accumulation session based on the stored individual information and a formula selected by the participant. In short, no individual in the system of Walker connects to a participant source from a client where the duration of an accumulation session is stored and used for calculating credits earned by the individual during the accumulation session. Simply, the action taken by the users of Walker to earn a reward is spending money on a credit card, not connecting to a participant resource through a network where the connection time is used in calculating rewards,

For at least these reasons, it is submitted that Claim 25 is not anticipated by the cited reference and is allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

7. Claim 26

The Action rejects Claim 26 as being anticipated by Eggleston et al. (U.S. Patent No. 6,061, 660). Claim 26 is directed to a storage medium that includes a plurality of instructions which when executed by a processor cause the processor to perform the recited steps. The recited steps closely parallel the recited features of Claims 1 and 22 analyzed above, although curiously Claim 26 is rejected as being anticipated by yet a different reference, i.e., Eggleston et al.

Eggleston et al. describes a system where a consumer can win promotional prizes by playing certain games accessed at a retailer or other entity's website. (Column 6, Lines 10-12). The prize is paid in the form of a card that may be used by the consumer. (Column 13, Lines 29-35). Examples of incentive games are scratch-and-win games, sweepstakes games, treasure hunt games, computer games, etc. (Column 13, Lines 45-51). From the retailer and sponsor side, the Eggleston et al. system provides the sponsor or retailer with a modular software tool to build an incentive program based on building blocks provided by the system or the sponsor/retailer can choose from pre-packaged incentive programs. (Column 14, Lines 26-49).

From the foregoing, it should be clear that the system of Eggleston et al. does not commence an accumulation session between the client and a network resource where the length of time of the accumulation session is monitored and the amount of awarded credits are calculated specific to the accumulation session, based at least in part on awarding credits in increased amounts with increasing length of the accumulation session.

For at least these reasons, Claim 26 is not anticipated by the cited reference. It is submitted that Claim 26 is allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

8. Claim 27

The Action rejects Claim 27 as being anticipated by Katz (U.S. Patent No. 6,055, 513). Claim 27 is directed to a storage medium that includes a plurality of instructions which when executed by a processor cause the processor to perform the recited steps. The recited steps closely parallel the recited features of Claims 12 and 25 analyzed above, although curiously Claim 27 is rejected as being anticipated by yet a different reference, i.e., Katz.

Katz does not disclose a rewards program. Rather, Katz describes a system for upselling a user interested in a first product to a second product. (Abstract) In the system of Katz, a communication is established between the user and the seller for purposes of a primary transaction (i.e., purchasing a first product). The data for the primary transaction are obtained from the user along with a second piece of data. The primary transaction data and second piece of data are used to identify at least one good or service for prospective upsell to the prospective customer. The good or service is then offered to the customer. (Column 8, Lines 56-62) The primary transaction data may include data indicating, for example, the purpose of a phone call, such as to obtain a service or product, customer identification data, etc. (Column 9, Lines 6-42). The second piece of data used in determining the upsell may come from a third party database, such as a credit card company database, information from an inventory database indicating what products are available, or a database that somehow indicates the possessions of the user. (Column 10, Lines 1-45). The system allows for real-time upsells to customers, i.e., when a customer is interested in a first product, a second product may be offered to the customer in lieu of or in addition to the first product.

From this description of Katz, it should be clear that the upsell system of Katz does not commence accumulation sessions associated with the network connection between a client and a participant resource wherein the duration of the accumulation session is recorded, used to update stored individual information, and calculate credit earned by the individual as a result of the accumulation session, nor where the credit is debited based on redemption information. Simply, Katz's system does not provide or debit awarded credits, and surely does not provide credits based on a recorded time duration of a network connection between a client and a participant resource.

Therefore, it is submitted that Claim 27 is not anticipated by the cited reference and is allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

PATENT
Express Mail Label No. EV394065377US

D6163-00002

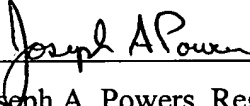
V. Conclusion

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: 6/14/09



Joseph A. Powers, Reg. No.: 47,006
Attorney For Applicant

DUANE MORRIS LLP
One Liberty Place
Philadelphia, Pennsylvania 19103-7396
(215) 979-1842 (Telephone)
(215) 979-1020 (Fax)